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 FSB*

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

R.S. COPPOLA TRUST – OCT. 19, 1995,
 RALPH STEPHEN COPPOLA,

Plaintiffs,

v.

NATIONAL DEFAULT SERVICES;
 WELLS FARGO BANK, N.A.; WORLD
 SAVINGS BANK, FSB; WACHOVIA
 MORTGAGE, FSB; THE BANK OF NEW
 YORK MELLON AS TRUSTEE FOR
 SECURITIZED TRUST WORLD
 SAVINGS BANK MORTGAGE PASS-
 THROUGH CERTIFICATES REMIC 23
 TRUST, AND DOES 1 THROUGH 100
 INCLUSIVE,

Defendants.

Case No.: 3:21-cv-00281-MMD-WGC

**ORDER GRANTING MOTION TO
 EXTEND TIME TO RESPOND TO
 COMPLAINT**

(FIRST REQUEST)

Defendants Wells Fargo Bank, N.A.; World Savings Bank, FSB; and Wachovia Mortgage, FSB (collectively, “Wells Fargo”), by and through their counsel, Snell & Wilmer L.L.P., hereby submit this motion to extend Wells Fargo’s deadline to respond to Plaintiffs R.S. Coppola Trust – Oct. 19, 1995 and Ralph Stephen Coppola’s (collectively, “Plaintiffs”) Complaint [ECF No. 1-1].

1 This Motion is based upon the Memorandum of Points and Authorities below, the Declaration of
2 Jennifer L. McBee, Esq., the papers on file, and any oral argument that the court chooses to hear.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **Introduction**

5 Wells Fargo regrets to take this Court's time with a first request for an extension of time, but
6 was unable to secure the extension by agreement. In light of Wells Fargo's removal to this Court
7 on June 24, 2021, its current deadline to respond to the Complaint is July 1, 2021. For the reasons
8 addressed below, Wells Fargo requires additional time to prepare an adequate response to the
9 Complaint.

10 Wells Fargo sought agreement for an extension of thirty (30) days, up to and including July
11 30, 2021, to respond to the Complaint. Plaintiffs agreed to grant the requested extension for one
12 named defendant, Wells Fargo Bank, N.A., but would not provide that same professional courtesy
13 for World Savings Bank, FSB or Wachovia Mortgage, FSB without requiring conditions to which
14 Wells Fargo cannot agree, and so Wells Fargo now files the instant motion. This request is
15 supported by good cause and is not for the purpose of delay.

16 **Relevant Background**

17 Plaintiffs filed their Complaint on February 5, 2021 but did not serve it. Months later,
18 Plaintiffs file an Amended Complaint on May 26, 2021. [ECF No. 1-1.] The Complaint was served
19 on Wells Fargo on June 4, 2021 (*See Exhibit A*, Declaration of Jennifer L. McBee, Esq. ("McBee
20 Decl."), ¶ 3.)

21 Wells Fargo removed the litigation to this Court on June 24, 2021. Computing time pursuant
22 to Federal Rule of Civil Procedure 12(a)(1)(A)(i), Wells Fargo's response is currently due on July
23 1, 2021. Defendant The Bank of New York Mellon has not yet appeared.

24 On June 30, 2021, Wells Fargo's counsel contacted Plaintiff Ralph Stephen Coppola¹,
25 requesting an extension through July 30, 2021 to respond to the Complaint. (*See Ex. A*, McBee
26 Decl., at Ex. 1, June 30, 2021 Email Correspondence between Ralph Stephen Coppola and Jennifer

27 ¹ While Mr. Coppola appears in this matter pro se, he is a California-licensed attorney, California Bar No. 128531,
28 with an advanced law degree, as he points out: "I have a LL.M. in Taxation, which includes corporate mergers from
Georgetown University." (*See Ex. A*, McBee Decl., at Ex. 1, June 30, 2021 Email Correspondence.)

1 McBee dated June 30, 2021.) Mr. Coppola perplexingly agreed to the extension for Wells Fargo
2 Bank, N.A., but would not agree to the same extension for World Savings Bank, FSB or Wachovia
3 Mortgage, FSB unless the undersigned counsel provided an affidavit detailing Wells Fargo Bank,
4 N.A.'s corporate structure as it relates to the merger of World Savings Bank and Wachovia
5 Mortgage into Wells Fargo Bank, N.A. (Id.)

6 In an effort to secure agreement from Plaintiffs without the need for Court intervention,
7 Wells Fargo's counsel provided Mr. Coppola with detailed legal authority to substantiate Wells
8 Fargo's status as successor by merger. (*See Ex. A*, McBee Decl., at Ex. 1, June 30, 2021 Email
9 Correspondence.) Mr. Coppola would not relent.

10 **Argument**

11 The decision to grant an extension or continuance is within the sound discretion of the trial
12 court. *F.T.C. v. Gill*, 265 F.3d 944, 954-55 (9th Cir. 2001). Federal Rule of Civil Procedure 6(b)(1)
13 provides that when an act must be done within a specified time, the Court "may, for good cause,
14 extend the time . . . with or without motion or notice if the court acts, or if a request is made, before
15 the original time or its extension expires" Indeed, courts routinely grant similar requests and
16 caution attorneys that "[o]bstructive refusal to make reasonable accommodation [] impairs the
17 civility of our profession ... and needlessly increases litigation expense to clients." *Henry v.*
18 *Devenmuehle Mortgage*, No. 2:19-cv-00360-MMD-NJK (citing *Kondrk v. Towbin Dodge LLC*,
19 2015 WL 13683019, at *1 (D. Nev. Nov. 18, 2015) (and collecting cases) (attached as Exhibit B).

20 This Court should grant Wells Fargo's Motion because its request is reasonable and
21 supported by ample good cause. First, the current deadline to respond to the Complaint is
22 immediately before an extended holiday weekend, where both undersigned counsel have pre-
23 arranged plans to celebrate the 4th of July. Additionally, Plaintiffs' extensive Complaint, spanning
24 38 pages, and containing 178 paragraphs and 20 causes of action, necessitates additional time to
25 analyze the various factual and legal contentions and prepare an adequate response. (*See generally*
26 *Compl.*) Finally, Plaintiffs will not be prejudiced by a modest 21-day extension for three identified
27 defendants, given that Mr. Coppola is amenable to a 30-day extension for one such defendant, and
28 only one response will be filed collectively by all three named defendants.

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Wells Fargo makes this request in good faith and not to delay these proceedings. Therefore, Wells Fargo respectfully requests that the Court grant this Motion, and allow Wells Fargo until July 22, 2021, in which to file a response to Plaintiffs' Complaint.

Conclusion

For the foregoing reasons, Wells Fargo respectfully requests an extension to respond to Plaintiffs' Complaint through and including July 22, 2021.

Dated: June 30, 2021

SNELL & WILMER L.L.P.

By: 
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 FSB*

IT IS SO ORDERED.

DATED: July 1, 2021.


 UNITED STATES MAGISTRATE JUDGE